

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

HOUSE ENROLLED ACT No. 1182

AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 33-5-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 8.5. Blackford Superior Court

Sec. 1. There is established a court of record to be known as the **Blackford superior court** (referred to as "the court" in this chapter). The court may have a seal containing the words "Blackford Superior Court, Blackford County, Indiana". Blackford County comprises the judicial district of the court.

Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Blackford County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must be:

- (1) a resident of Blackford County;
- (2) less than seventy (70) years of age at the time of taking office; and
- (3) admitted to the practice of law in Indiana.

Sec. 3. (a) Except as provided in subsection (b), the court has the same jurisdiction as the Blackford circuit court.

(b) The Blackford circuit court has exclusive juvenile jurisdiction.

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Sec. 4. The judge of the court has the same powers relating to the conduct of the business of the court as the judge of the Blackford circuit court. The judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

Sec. 5. The judge of the court shall appoint a bailiff and an official court reporter for the court. The judge may appoint a referee, commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. Their salaries shall be fixed in the same manner as the salaries of the personnel for the Blackford circuit court. Their salaries shall be paid monthly out of the treasury of Blackford County as provided by law. Personnel appointed under this section continue in office until removed by the judge of the court.

Sec. 6. The clerk of the court, under the direction of the judge of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

Sec. 7. The court shall hold its sessions in the Blackford County courthouse in Hartford City, Indiana, or in such other places in the county as the Blackford county executive may provide. The county executive shall provide and maintain a suitable courtroom and other rooms and facilities, including furniture and equipment, as may be necessary. The Blackford County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

Sec. 8. The jury commissioners appointed by the judge of the Blackford circuit court shall serve as the jury commissioners for the court. Juries shall be selected in the same manner as juries for the Blackford circuit court. The grand jury selected for the Blackford circuit court shall also serve as the grand jury for the court as may be necessary.

Sec. 9. The judge of the Blackford circuit court may, with the consent of the judge of the court, transfer any action or proceeding from the circuit court to the court. The judge of the court may, with the consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

Sec. 10. The judge of the Blackford circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if the judge of the circuit court were an elected judge of the court. The judge of the court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter



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as if the judge of the court were an elected judge of the circuit court.

Sec. 11. The court has a standard small claims and misdemeanor division.

SECTION 2. IC 33-5-10.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 10.2. Dearborn Superior Court

Sec. 1. There is established a court of record to be known as the Dearborn superior court (referred to as "the court" in this chapter). The court may have a seal containing the words "Dearborn Superior Court, Dearborn County, Indiana". Dearborn County comprises the judicial district of the court.

Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Dearborn County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must:

- (1) be a resident of Dearborn County;**
- (2) be less than seventy (70) years of age at the time of taking office; and**
- (3) be admitted to the bar of Indiana.**

Sec. 3. (a) Except as provided in subsection (b), the court has the same jurisdiction as the Dearborn circuit court.

(b) The Dearborn circuit court has exclusive juvenile jurisdiction.

Sec. 4. The judge of the court has the same powers relating to the conduct of the business of the court as the judge of the Dearborn circuit court. The judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

Sec. 5. The judge of the court shall appoint a bailiff and an official court reporter for the court. The judge may appoint a referee, commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. Their salaries shall be fixed in the same manner as the salaries of the personnel for the Dearborn circuit court. Their salaries shall be paid monthly out of the treasury of Dearborn County as provided by law. Personnel appointed under this section continue in office until removed by the judge of the court.

Sec. 6. The clerk of the court, under the direction of the judge of



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the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

Sec. 7. The court shall hold its sessions in the Dearborn County courthouse in Lawrenceburg, Indiana, or in such other places in the county as the Dearborn county executive may provide. The county executive shall provide and maintain a suitable courtroom and other rooms and facilities, including furniture and equipment, as may be necessary. The Dearborn County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

Sec. 8. The jury commissioners appointed by the judge of the Dearborn circuit court shall serve as the jury commissioners for the court. Juries shall be selected in the same manner as juries for the Dearborn circuit court. The grand jury selected for the Dearborn circuit court shall also serve as the grand jury for the court as may be necessary.

Sec. 9. The judge of the Dearborn circuit court may, with the consent of the judge of the court, transfer any action or proceeding from the circuit court to the court. The judge of the court may, with the consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

Sec. 10. The judge of the Dearborn circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if the judge of the circuit court were an elected judge of the court. The judge of the court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if the judge of the court were an elected judge of the circuit court.

Sec. 11. The court has a standard small claims and misdemeanor division.

SECTION 3. IC 33-5-37.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 37.8. Orange Superior Court

Sec. 1. There is established a court of record to be known as the Orange superior court (referred to as "the court" in this chapter). The court may have a seal containing the words "Orange Superior Court, Orange County, Indiana". Orange County comprises the judicial district of the court.

Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Orange County. The

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judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must:

- (1) be a resident of Orange County;
- (2) be less than seventy (70) years of age at the time of taking office; and
- (3) be admitted to the bar of Indiana.

Sec. 3. (a) Except as provided in subsection (b), the court has the same jurisdiction as the Orange circuit court.

(b) The Orange circuit court has exclusive juvenile jurisdiction.

Sec. 4. The judge of the court has the same powers relating to the conduct of the business of the court as the judge of the Orange circuit court. The judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

Sec. 5. The judge of the court shall appoint a bailiff and an official court reporter for the court. The judge may appoint a referee, commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. Their salaries shall be fixed in the same manner as the salaries of the personnel for the Orange circuit court. Their salaries shall be paid monthly out of the treasury of Orange County as provided by law. Personnel appointed under this section continue in office until removed by the judge of the court.

Sec. 6. The clerk of the court, under the direction of the judge of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

Sec. 7. The court shall hold its sessions in the Paoli Office Complex in Paoli, Indiana, or in such other places in the county as the Orange county executive may provide. The county executive shall provide and maintain a suitable courtroom and other rooms and facilities, including furniture and equipment, as may be necessary. The Orange County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

Sec. 8. The jury commissioners appointed by the judge of the Orange circuit court shall serve as the jury commissioners for the court. Juries shall be selected in the same manner as juries for the Orange circuit court. The grand jury selected for the Orange circuit court shall also serve as the grand jury for the court as may



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be necessary.

Sec. 9. The judge of the Orange circuit court may, with the consent of the judge of the court, transfer any action or proceeding from the circuit court to the court. The judge of the court may, with the consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

Sec. 10. The judge of the Orange circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if the judge of the circuit court were an elected judge of the court. The judge of the court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if the judge of the court were an elected judge of the circuit court.

Sec. 11. The court has a standard small claims and misdemeanor division.

SECTION 4. IC 33-5-38.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 38.8. Rush Superior Court

Sec. 1. There is established a court of record to be known as the Rush superior court (referred to as "the court" in this chapter). The court may have a seal containing the words "Rush Superior Court, Rush County, Indiana". Rush County comprises the judicial district of the court.

Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Rush County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must:

- (1) be a resident of Rush County;
- (2) be less than seventy (70) years of age at the time of taking office; and
- (3) be admitted to the bar of Indiana.

Sec. 3. The court has the same jurisdiction as the Rush circuit court.

Sec. 4. The judge of the court has the same powers relating to the conduct of the business of the court as the judge of the Rush circuit court. The judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

Sec. 5. The judge of the court shall appoint a bailiff and an



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official court reporter for the court. The judge may appoint a referee, commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. Their salaries shall be fixed in the same manner as the salaries of the personnel for the Rush circuit court. Their salaries shall be paid at least monthly out of the treasury of Rush County as provided by law. Personnel appointed under this section continue in office until removed by the judge of the court.

Sec. 6. The clerk of the court, under the direction of the judge of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

Sec. 7. The court shall hold its sessions in the Rush County courthouse in Rushville, Indiana, or in such other places in the county as the Rush county executive may provide. The county executive shall provide and maintain a suitable courtroom and other rooms and facilities, including furniture and equipment, as may be necessary. The Rush County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

Sec. 8. The jury commissioners appointed by the judge of the Rush circuit court shall serve as the jury commissioners for the court. Juries shall be selected in the same manner as juries for the Rush circuit court. The grand jury selected for the Rush circuit court shall also serve as the grand jury for the court as may be necessary.

Sec. 9. The judge of the Rush circuit court may, with the consent of the judge of the court, transfer any action or proceeding from the circuit court to the court. The judge of the court may, with the consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

Sec. 10. The judge of the Rush circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if the judge of the circuit court were an elected judge of the court. The judge of the court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if the judge of the court were an elected judge of the circuit court.

Sec. 11. The court has a standard small claims and misdemeanor division.

SECTION 5. IC 33-5-44.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. There is hereby



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established a superior court in Vigo County, Indiana, which court shall consist of ~~two (2)~~ **four (4)** judges who shall hold their office for six (6) years if they behave well and until their successors have been elected and qualified. In addition to the ~~two (2)~~ **four (4)** judges, the judge of the Vigo circuit court may sit as a judge of said Vigo superior court as ~~hereinafter~~ provided in this chapter.

SECTION 6. IC 33-5-44.1-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 28. Vigo superior court has a standard small claims and misdemeanor division.**

SECTION 7. IC 33-10.5-1-6 (CURRENT VERSION) IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. The county courts of the following counties each have two (2) judges:

Madison County.

Tippecanoe County.

~~Vigo County.~~

SECTION 8. IC 33-10.5-1-6, AS AMENDED BY P.L.196-1999, SECTION 60, (DELAYED VERSION) IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 6. The county ~~courts court~~ of the following counties each have **Madison County** has two (2) judges.

~~Madison County.~~

~~Vigo County.~~

SECTION 9. IC 33-5-44.1-27 IS REPEALED [EFFECTIVE JULY 1, 2000].

SECTION 10. [EFFECTIVE JULY 1, 2000] (a) **At midnight, June 30, 2000, Vigo county court No. 4 is abolished.**

(b) Any case pending in Vigo county court No. 4 after the close of business on June 30, 2000, is transferred on July 1, 2000, to Vigo superior court No. 4, established by IC 33-5-44.1-1, as amended by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court in accordance with the venue requirements prescribed in Rule 75 of the Indiana Rules of Trial Procedure. A case transferred under this SECTION shall be treated as if the case were filed in Vigo superior court No. 4.

(c) On July 1, 2000, all property and obligations of Vigo county court No. 4 become the property and obligations of Vigo superior court No. 4.

(d) The initial judge of Vigo superior court No. 4 added by



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IC 33-5-44.1-1, as amended by this act, shall be the person who is the Vigo county court No. 4 judge on June 30, 2000. The term of the initial judge begins July 1, 2000, and ends December 31, 2004. The initial election of a judge for Vigo superior court No. 4, added by IC 33-5-44.1-1, as amended by this act, shall be the general election conducted on November 2, 2004. The term of the initial elected judge begins January 1, 2005.

(e) This SECTION expires January 1, 2006.

SECTION 11. [EFFECTIVE JULY 1, 2000] (a) At midnight, June 30, 2000, Vigo county court No. 5 is abolished.

(b) Any case pending in Vigo county court No. 5 after the close of business on June 30, 2000, is transferred on July 1, 2000, to Vigo superior court No. 5, established by IC 33-5-44.1-1, as amended by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court in accordance with the venue requirements prescribed in Rule 75 of the Indiana Rules of Trial Procedure. A case transferred under this SECTION shall be treated as if the case were filed in Vigo superior court No. 5.

(c) On July 1, 2000, all property and obligations of Vigo county court No. 5 become the property and obligations of Vigo superior court No. 5.

(d) The initial judge of Vigo superior court No. 5 added by IC 33-5-44.1-1, as amended by this act, shall be the person who is the Vigo county court No. 5 judge on June 30, 2000. The term of the initial judge begins July 1, 2000, and ends December 31, 2002. The initial election of a judge for Vigo superior court No. 5, added by IC 33-5-44.1-1, as amended by this act, shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.

(e) This SECTION expires January 1, 2004.

SECTION 12. [EFFECTIVE JULY 1, 2000] (a) On July 1, 2000, the Dearborn county court is abolished.

(b) Any case pending in the Dearborn county court after the close of business on June 30, 2000, is transferred on July 1, 2000, to the Dearborn superior court established by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court. A case transferred under this SECTION shall be treated as if the case were filed in the Dearborn superior court.



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(c) On July 1, 2000, all property and obligations of the Dearborn county court become the property and obligations of the Dearborn superior court.

(d) The initial judge of the Dearborn superior court added by this act shall be the person who is the Dearborn county court judge on June 30, 2000. The term of the initial judge begins July 1, 2000, and ends December 31, 2002. The initial election of a judge for the Dearborn superior court added by this act shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.

(e) This SECTION expires January 2, 2003.

SECTION 13. [EFFECTIVE JULY 1, 2000] (a) On July 1, 2000, the Blackford county court is abolished.

(b) Any case pending in the Blackford county court after the close of business on June 30, 2000, is transferred on July 1, 2000, to the Blackford superior court established by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court. A case transferred under this SECTION shall be treated as if the case were filed in the Blackford superior court.

(c) On July 1, 2000, all property and obligations of the Blackford county court become the property and obligations of the Blackford superior court.

(d) The initial judge of the Blackford superior court added by this act shall be the person who is the Blackford county court judge on June 30, 2000. The term of the initial judge begins July 1, 2000, and ends December 31, 2004. The initial election of a judge for the Blackford superior court added by this act shall be the general election conducted on November 2, 2004. The term of the initial elected judge begins January 1, 2005.

SECTION 14. [EFFECTIVE JULY 1, 2000] (a) On July 1, 2000, the Orange county court is abolished.

(b) Any case pending in the Orange county court after the close of business on June 30, 2000, is transferred on July 1, 2000, to the Orange superior court established by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court. A case transferred under this SECTION shall be treated as if the case were filed in the Orange superior court.

(c) On July 1, 2000, all property and obligations of the Orange



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county court become the property and obligations of the Orange superior court.

(d) The initial judge of the Orange superior court added by this act shall be the person who is the Orange county court judge on June 30, 2000. The term of the initial judge begins July 1, 2000, and ends December 31, 2002. The initial election of a judge for the Orange superior court added by this act shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.

(e) This SECTION expires January 2, 2003.

SECTION 15. [EFFECTIVE JULY 1, 2000] (a) On July 1, 2000, the Rush county court is abolished.

(b) Any case pending in the Rush county court after the close of business on June 30, 2000, is transferred on July 1, 2000, to the Rush superior court established by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court. A case transferred under this SECTION shall be treated as if the case were filed in the Rush superior court.

(c) On July 1, 2000, all property and obligations of the Rush county court become the property and obligations of the Rush superior court.

(d) The initial judge of the Rush superior court added by this act shall be the person who is the Rush county court judge on June 30, 2000. The term of the initial judge begins July 1, 2000, and ends December 31, 2002. The initial election of a judge for the Rush superior court added by this act shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.

(e) This SECTION expires January 2, 2003.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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